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10/072,435	02/08/2002	Jason C. Shermer	0275S-000563	2587
27572	7590	11/21/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			RHEE, JANE J	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/072,435
Filing Date: February 08, 2002
Appellant(s): SHERMER ET AL.

MAILED

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GROUP 1700

Harness, Dickey & Pierce, P.L.C.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/11/2006 appealing from the Office action mailed 3/15/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,045,887	Martin et al.	4-2000
1,635,350	Simons	10-1923
5,367,839	Pearce	11-1994

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. The 35 U.S.C. 103(a) rejection of claims 1,7-11,13-17,20 over Martin et al. in view of Simons, for the reasons previously made in office action 9/30/2005.
2. The 35 U.S.C. 103(a) rejection of claims 2-6,18-19,21-23 over Martin et al. in view of Simons and in further view of Pearce, for the reasons previously made in office action 9/30/2005.

(10) Response to Argument

In response to appellant's argument that Simons fails to disclose or suggest "wherein the sheet material is adapted to be separated along the first segments to change a configuration of the body portion of the sheet material to correspond with a second platen configuration having different external dimensions than the first configuration, Simons teaches first segments defining regions of weakened material, wherein the sheet material is adapted to be separated along the first segments to change a configuration of the body portion of the sheet material to correspond with a second platen configuration having different external dimension than the first configuration (figure 1 number 4) for the purpose of providing multiple sizes of the sandpaper (col. 2 lines 48-60). Simon teaches that sandpaper 1 in figure 1 comprises score lines 4. The score lines 4 creates multiple configurations of the sandpaper wherein each configuration creates different external dimensions such as if the top right quarter of the sandpaper was removed then an external L-shaped dimension would

have been created. Also, if the top half of the sandpaper was removed then a smaller rectangular configuration would have been created. Furthermore, if three quarters of the sandpaper were removed then a small square sandpaper would have been created. Therefore, Simon teaches first segments defining regions of weakened material, wherein the sheet material is adapted to be separated along the first segments to change a configuration of the body portion of the sheet material to correspond with a second platen configuration having different external dimension than the first configuration (figure 1 number 4) for the purpose of providing multiple sizes of the sandpaper (col. 2 lines 48-60).

In response to appellant's argument that Pearce fails to disclose that the abrasive sheet includes a tip portion and second and third segments of weakened material, separation of the sheet along the second segment separates a first tip portion having a first tip configuration from the first body portion having a first body configuration and separation of the sheet along the third segment separates a second tip portion having a second tip configuration that is different from the first tip configuration, Martin et al. discloses a universal sheet comprising a sheet material having an abrasive material disposed on a face (figure 1 number 3) and having a body portion (figure 1 number 1) and a tip portion (figure 1 number 11), the tip portion being separable from the body portion (figure 1 number 7) along a first and second segment and defining a separate region of the sheet material relative to the body portion (figure 1 number 7), the body portion being provided with a first configuration adapted to be used with a first platen configuration (figure 1 number 1). Martin et al. fail to disclose a third

Art Unit: 1745

segment that separates a second tip portion having a second tip configuration that is different from the first tip configuration. Pearce teaches a plurality of segments that define regions of weakened material wherein the sheet is adapted to be separated along two different segments (figure 1 number 2 and 2') for the purpose to correspond with a plurality of different sanding machines within the size range for that sheet (col. 2 lines 60-62). Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Martin et al. with a third segment that separates a second tip portion having a second tip configuration that is different from the first tip configuration in order to correspond with a plurality of different sanding machines within the size range for that sheet (col. 2 lines 60-62).

In response to appellant's argument that Simons nor Pearce reference discloses multiple tip configurations of different sizes, even if the corners of the abrasive sheet are construed as tips, Pearce teaches that segments that define regions of weakened material wherein the sheet is adapted to be separated along two different segments comprise different shape and sizes (figure 1, figure 2, and figure 3, col. 2 line 59) for the purpose to correspond with a plurality of different sanding machines within the size range for that sheet (col. 2 lines 60-62). Pearce further discloses that the segments are located around the border of the sandpaper (figures 1-3), thus, it would have been obvious to one having ordinary skill in the art at the time applicants invention was made to provide Martin et al. with the first and second tip configurations having different sizes and different shapes in order to correspond with a plurality of different sanding machines within the size range for that sheet (col. 2 lines 60-62) as taught by Pearce.

In response to appellant's argument that Martin et al., Simons, nor Pearce discloses a replacement tip portion extending from one of the body portion and tip portion, appellant claims in claim 6 that the replacement tip portion is defined by a third segment defining regions of weakened material, Pearce teaches a plurality of segments that define regions of weakened material wherein the sheet is adapted to be separated along two different segments (figure 1 number 2 and 2') for the purpose to correspond with a plurality of different sanding machines within the size range for that sheet (col. 2 lines 60-62). Therefore, since Pearce teaches that it is well known in the art provide second and third segments that define regions of weakened material wherein the sheet is adapted to be separated along two different segments (figure 1 number 2 and 2'), it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Martin et al. with the sheet material is adapted to be separated along the second segments to separate a first tip portion, having a first tip configuration, from a first body portion having a first body configuration and the sheet material is adapted to be selectively separated along the third segments to separate a second tip portion, having a second tip configuration different from the first configuration from a second body portion having a second body configuration different from the first body configuration in order to correspond with a plurality of different sanding machines within the size range for that sheet (col. 2 lines 60-62).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 1745

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jane Rhee

A handwritten signature in cursive script, appearing to read "Jane Rhee".

Conferees:

Patrick Ryan 

Steven Griffin 